IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2007

CORAM

THE HON'BLE MR. JUSTICE N. PAUL VASANTHAKUMAR

W.P.No.13688 of 2004
&
W.P.M.P.No.18307 of 2006

S.Ravichandramoorthy ... Petitioner

vs

1.The Tamilnadu State Marketing
Corporation Ltd., rep by its Managing Director
Thalamuthu Natarajan Building
4th Floor,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
Tamilnadu State Marketing
Corporation Ltd.,
Coimbatore.

3.The District Manager-I
(Retail Vending)
Tamilnadu State Marketing
Corporation Ltd.,
Coimbatore ... Respondents

WRIT PETITION filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorarified mandamus, calling for the records relating to the order of the third respondent in Na.Ka.No.369/04/A6 dated 19.05.2004, quash the same and consequently direct the respondents to reinstate the petitioner as Shop Supervisor of TASMAC Wine shop No.1609 Corporation Shopping Complex, Shop No.1, Patel Road, Coimbatore with continuity of service, backwages and all other attendant benefits.

For Petitioner - Mr.T.S.Sivagnanam
For R1 - Mr.I.Paranthaman, GA
For R2 & R3 - Mr.B.Neduncheliyan

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O R D E R

The prayer in the writ petition is to quash the order of termination passed on 19.05.2004. The grievance of the petitioner is that the impugned order is passed without giving any notice or affording an opportunity to the petitioner.

2. The matter in issue is covered by a Judgment of the Madurai Bench of this Court reported in V.L.Lakshmanakumar Vs. The District Manager,"TASMAC"Limited and another 2006(1) CTC 660, wherein learned single Judge following the Judgments of Supreme Court reported in State of Haryana V. Satyender Singh Rathore, 2005 (7) SCC 518 and Dipti Prakash Banerjee V. Satyendra Nath Bose National Centre for Basic Sciences, 1999 (3) SCC 60 held that the order of termination based on certain allegations without any notice or opportunity of hearing is bad in law. In this case also impugned order is passed based on certain allegations and no notice or opportunity of hearing is given to he petitioner before passing the said order. Following the said Judgments, the impugned order is set aside with liberty to respondents to pass fresh orders after following the principles of natural justice, if it is warranted.

3. Accordingly the writ petition is disposed of. No Costs. Consequently connected miscellaneous petition is closed.

svki

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Managing Director,
The Tamilnadu State Marketing
Corporation Ltd.,
Thalamuthu Natarajan Building
4th Floor,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
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NTK(CO)
SR/1.2.2007

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